

REMARKS

Claims 16-34 are indicated allowable over the art of record. Claims 5-11 and 13 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claims.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph because of an antecedent basis issue. Claim 1 has been appropriately corrected to overcome the rejection. In addition, claim 1 has been amended to include the allowable limitation of claim 6. Thus, claim 1 and all claims dependent thereon are in condition for allowance.

New claims 35-36 correspond to objected to claims 5 and 13 rewritten in independent form, and should be indicated as allowable.

Thus all claims pending in the application are now in condition for allowance.

The applicant notes for the record that certain claims require a distal pushing force of at least 500 grams being provided at the distal end of an advancing element within the outer tubular member. Hooven fails to teach or suggest the claimed "distal pushing force of at least 500 grams at said distal end of said advancing element." The Examiner notes that Hooven is silent as to the actual pushing force, but notes that some force is required to actuate the Hooven device and that the PTO lacks the ability to test the invention. Regardless, there is no motivation or suggestion for the claimed distal

pushing force at the distal end of the advancing element. The clip in Hooven is provided in the jaws prior to clamping down on tissue. The only distal force required in Hooven is for an unformed clip to be advanced into an empty set of jaws. This movement does not require a large amount of force. Thus, the claimed force is not suggested in view of Hooven.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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